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10/549,442	09/16/2005	Joseph Peter Stefaniak	MV03-043/10/333,000	9698

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EXAMINER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,442	Applicant(s) STEFANIAK ET AL.	
	Examiner Wilson Lee	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 5, “substantially similar” is vague whether the determining step is to determine two data sets have the same characteristic or different characteristic.

In Claim 2, line 2, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 1. “by way of SQL queries” is not understood. How to compare characteristics by SQL queries?

In Claim 3, line 1, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 1. Line 1, “a computing device” is vague whether it refers to the first computing device, the second computing device or an additional computing device.

In Claim 5, line 1, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 1. Line 1, “a computing device” is vague whether it refers to the first computing device, the second computing device or an additional computing device.

In Claim 7, line 1, “the information” lacks antecedent basis. Line 1, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 1 and “a computing device” is vague whether it refers to the first computing device, the second computing device or an additional computing device.

In Claim 8, line 2, “characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 1.

In Claim 17, line 3, “substantially similar” is vague whether the determining step is to determine two data sets have the same characteristic or different characteristic.

Claims 2-17 are vague by virtue of their dependency on claim 1.

In Claim 18, line 7, “substantially similar” is vague whether the determining step is to determine two data sets have the same characteristic or different characteristic.

In Claim 19, line 3, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 1. by way of SQL queries” is not understood. How to compare characteristics by SQL queries?

In Claim 20, line 1, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 18. Line 1, “a computing device” is vague whether it refers to the first computing device, the second computing device or an additional computing device.

In Claim 22, line 1, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 18. Line 1, “a computing device” is vague whether it refers to the first computing device, the second computing device or an additional computing device.

In Claim 24, line 1, “the information” lacks antecedent basis. Line 18, “the characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 1 and “a computing device” is vague whether it refers to the first computing device, the second computing device or an additional computing device.

In Claim 25, line 2, “characteristics” is vague whether it refers to the characteristic of the first computing device or the second computing introduced in claim 18.

In Claim 36, line 3, “substantially similar” is vague whether the determining step is to determine two data sets have the same characteristic or different characteristic.

Claims 19-36 are vague by virtue of their dependency on claim 18.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3-9, 11, 13, 17, 18, 20-26, 30-32, 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Butani et al. (US Publication 2003/0172010).

Regarding Claim 1, Butani discloses a method for consolidating (combining multiple sources to one) computing devices (figs. 1, 2), comprising: retrieving a first data set (set of data from element 104 or 204) indicative of characteristics of a first computing device (104 or 204. figs. 1, 2); retrieving a second data set (set of data from element 106 or 206) indicative of characteristics of a second computing device (106 or 206. figs. 1, 2); determining at least one characteristic in the first data set that is different from a substantially similar characteristic in the second data set ("analysis may include identifying the differences ... illustrating differences between different sets of data...". Paragraph 0041); and providing a visual depiction of the at least one difference ("...identify differences in the two analysis results" Abstract. "Publish the Results of the Data Analysis". Fig. 3).

Regarding Claim 3, Butani discloses the method as recited in claim 1 wherein the characteristics of a computing device comprises information indicative of system parameters ("...data elements and other parameters" Paragraph 0015 and "...the parameter and data associated with the node are displayed..." Paragraph 0042).

Regarding Claim 4, Butani discloses the method as recited in claim 3 wherein the system parameters comprise at least one of the number of processors (702), available processors (702),

processor level, devices (722), disk drive characteristics (720), disk drive capacity (710, 720), system, and network connectivity (728), system CPU utilization (702), and system memory load (704, 706) (Fig. 7).

Regarding Claim 5, Butani discloses the method as recited in claim 1 wherein the characteristics of a computing device comprises information indicative of executable process parameters ("a user may execute procedure 500 on an unchanged set of data". Paragraphs 0044, 0042).

Regarding Claim 6, Butani discloses the method as recited in claim 5 wherein the executable process parameters comprise at least one of: CPU utilization (for 702), memory utilization (for 704, 706).

Regarding Claim 7, Butani discloses the method as recited in claim 1 wherein the information indicative of the characteristics of a computing device comprises information indicative of computing device database definition parameters (inherent feature. All kind of data must have own definition or file name such as Txt, Jpg. Jeg. Etc).

Regarding Claim 8, Butani discloses the method as recited in claim 1 wherein the visual depiction comprises a chart indicative of the level of difference between at least on characteristic. ("...identify differences in the two analysis results" Abstract. "Publish the Results of the Data Analysis". Fig. 3).

Regarding Claim 9, Butani discloses the method as recited in claim 1 wherein the visual depiction comprises a textual display (display device 732) (fig. 7) comparing the characteristic of the first data set with the characteristic of the second data set.

Regarding Claims 11, Butani discloses the method as recited in claim 6 further comprising an indicator (on display device) comparing the process version in the first set with the process version in the second set. ("analysis may include identifying the differences ... illustrating differences between different sets of data...". Paragraph 0041).

Regarding Claims 13, Butani discloses the method as recited in claim 7 wherein the computing device database definition parameters inherently comprise at least one of: database names (104, 106) or user defined datatypes.

Regarding Claim 17, Butani discloses the method as recited in claim 1 further comprising receiving a plurality of first data sets and a plurality of second data sets and determining at least one

characteristic in the first data sets that is different from a substantially similar characteristic ("analysis may include identifying the differences ... illustrating differences between different sets of data...". Paragraph 0041) in the second data sets over time.

Regarding Claim 18, as discussed in detail of the preceding rejection on claim 1, Butani meets the limitations of Claim 18.

Regarding Claim 20, as discussed in detail of the preceding rejection on claim 3, Butani meets the limitations of Claim 20.

Regarding Claim 21, as discussed in detail of the preceding rejection on claim 4, Butani meets the limitations of Claim 21.

Regarding Claim 22, as discussed in detail of the preceding rejection on claim 5, Butani meets the limitations of Claim 22.

Regarding Claim 23, as discussed in detail of the preceding rejection on claim 6, Butani meets the limitations of Claim 23.

Regarding Claim 24, as discussed in detail of the preceding rejection on claim 7, Butani meets the limitations of Claim 24.

Regarding Claim 25, as discussed in detail of the preceding rejection on claim 8, Butani meets the limitations of Claim 25.

Regarding Claim 26, as discussed in detail of the preceding rejection on claim 9, Butani meets the limitations of Claim 26.

Regarding Claim 30, as discussed in detail of the preceding rejection on claim 11, Butani meets the limitations of Claim 30.

Regarding Claim 31, as discussed in detail of the preceding rejection on claim 7, Butani meets the limitations of Claim 31.

Regarding Claim 32, as discussed in detail of the preceding rejection on claim 13, Butani meets the limitations of Claim 32.

Regarding Claim 36, as discussed in detail of the preceding rejection on claims 1 and 17, Butani meets the limitations of Claim 36.

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12, 14, 15, 16, 27, 29, 32, 33, 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butani et al. (US Publication 2003/0172010).

Regarding Claims 10, 12, 15, 16, 27, 29, 32, 34, 35, Butani essentially discloses the claimed inventions but does not explicitly disclose the data set is listed, stored in tables, stored in column and row. However, Displaying or indicating the sets of data in any representation does not change the scope of the invention. It is well known that data is commonly or widely presented in tables and lists. It would have been obvious to one of ordinary skill in the art that data could be listed and stored in table to provide conventional presentation in order to provide let viewers to read all the data at once in the table or list.

Regarding Claims 14, 33, Butani does not explicitly disclose comparing login names of the data sets. However, since Butani does not limit the kind of the data sets, comparing login names as one within the data set is not restricted. It would have been obvious to one of ordinary skill in the art to compare login name in order to identify the person who is using the system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wheeler et al. (US Pub 2002/0055932) and Baldwin et al. (US Pub 2002/0112056).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wilson Lee/
Primary Examiner, Art Unit 2163

3.31.08